IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10605 of 2004

Between:

Jammi Suguna, W/o Ravindranath,
R/o Kota Village & Mandal, Nellore District.

..... PETITIONER

AND

Syed Hazira Begum, S/o Syed Hazarath Peerah,
R/o Kamti Street, Nellore, Nellore District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate Writ or direction calling for the records relating to the orders passed in L.G.A.Sr.No.3562/2003 on the fle of the Special Court under the A.P. Land Grabbing (Prohibition) Act, Hyderabad and in C.F.No.5229/2003 in L.G.O.P.No.8/1997 on the file of the Special Tribunal cum District Judge, Nellore and to quash the said orders as illegal and unsustainable and consequently set aside the ex parte order passed against the petitioner herein in L.G.O.P.No.8 of 1997 on the file of the Special Tribunal cum District Judge, Nellore.

For the Petitioner: Mr. P.GANGA RAMI REDDY, Advocate.

For the Respondent: Mr. M. Venkata Narayana and Government Pleader for Assignments.

The Court made the following Order: (per Sri B. Sudershan Reddy, J)

We have heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

The petitioner herein is the 3rd respondent in L.G.O.P No. 8 of 1997 filed by the respondent herein on the file of the Chairman, Tribunal Constituted under the A.P Land Grabbing (Prohibition) Act, 1982, at Nellore in which altogether 13 individuals arrayed as respondents. The Special Tribunal passed orders dated 20.8.1998 setting the petitioner ex parte in the main L.G.O.P. The petitioner herein field an application under Order 9 Rule 7 CPC to set aside the ex parte order. The Special Tribunal vide its order
dated 4.8.2003 dismissed the application filed by the petitioner against which the petitioner filed L.G.A (SR) No. 3562 of 2003 before the Special Court under the A.P. Land Grabbing (Prohibition) Act, 1982 at Hyderabad. The Special Court dismissed the appeal preferred by the appellant herein on the ground of maintainability.

We have perused the order passed by the Special Tribunal as well as the Special Court.

The learned counsel for the respondent maintains that the appeal preferred by the petitioner before the Special Court is not maintainable in law since the interlocutory order passed by the Special Tribunal cannot be characterized as “any judgment or order” within the meaning of Section 7(3) of the Act.

It is totally unnecessary to go into that question in these proceedings since we are satisfied that the petitioner had made out a clear case for setting aside the ex parte order passed by the Special Tribunal. The affidavit filed by the petitioner discloses sufficient cause to set aside the ex parte order passed by the Special Tribunl, Nellore. It is not as if the petitioner could not have challenged that order passed by the Special Tribunal in this Court. In such view of the matter, it is totally unnecessary to go into the question as to whether the appeal preferred by the petitioner herein was maintainable in law before the Special Court. The question is left open for its consideration in a proper case.

For the aforesaid reasons, the order dated 20.8.1998 passed by the Special Tribunal setting the petitioner ex parte is accordingly set aside. The Special Tribunal shall

permit the petitioner to participate in the enquiry. It is brought to our notice that the petitioner had already filed the counter which shall be taken on file by the Special Tribunal.

The proceedings have been initiated as early as in the year 1997 and pending for whatever reason on the file of the Special Tribunal. In the circumstances, there shall be a direction to the Special Tribunal to dispose of L.G.O.P No.8 of 1997 within a period of four months from the date of receipt of a copy of the Order.

The Writ Petition is accordingly disposed of.

(B. Sudershan Reddy, J)

28..07..2004

(K.C. Bhanu, J)

ks

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chairman, Tribunal Constituted under the A.P Land Grabbing (Prohibition) Act, 1982, Nellore (District Judge, Nellore).
2. The Special Court under the A.P Land Grabbing (Prohibition) Act, 1982 at Hyderabad.
3. The Government Pleader for Assignments, High Court Buildings, Hyderabad (OUT).
4. 2 CD copies.